

### **REMARKS**

The application has been reviewed in light of the Office Action mailed on July 14, 2008. Claims 6, 8, 9, 16-18, 21, 22, 35-38 and 44-46 have been cancelled. Claims 1, 5, 10-12, 14, 15, 19, 20, 23, 24, 27, 31, 32, 34, 39-41 and 43 have been amended, and new claims 47-49 have been added. No new matter has been added. Applicants reserve the right to pursue the cancelled and pre-amended claims, and other claims, in other applications.

Applicants wish to point out that the claims have been amended to correspond to the amended claims filed during International Preliminary Examination of the related International application. The European Patent Office, in its capacity as the International Examining Authority, has acknowledged that the claimed subject matter is novel and inventive.

Claims 6-35 and 40 are objected to as being improper multiple dependent claims, and claims 44-46 are objected to due to informalities. Applicants thank the Examiner for the careful reading of the claims. The foregoing amendments have removed all multiple dependent claims, and claims 44-46 have been cancelled.

Claims 44-46 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 44-46 have been cancelled, and all pending claims are now in full compliance with 35 U.S.C. 112.

Claims 1-5, 37-39, 41, 42 and 44-46 stand rejected under 35 U.S.C. 102(b) as being anticipated by Parker et al., U.S. Patent 6,302,122 ("Parker"). In addition, claims 3, 4 and 43 stand rejected under 35 U.S.C. 103 as being unpatentable over Parker. Reconsideration is respectfully requested based on the foregoing amendments and the following reasons.

Claim 1 has been amended to more clearly define the invention. Amended claim 1 recites a “first plenum of positive pressure located in the top portion of the booth, and a second plenum of negative pressure located in the base of the booth.” According to amended claim 1, “the first and second plenums are connected to one another via a duct.” Claim 1 now also recites that “one or more air input grills associated with the first plenum and one or more foot grates associated with the second plenum.”

The booth of claim 1 now also recites a filtering means comprising a “first filter for filtering wet particulate material and second filter for filtering dry particulate material, wherein the first filter is positioned within the duct ... associated with the second plenum and the one or more foot grates, and the second filter is associated with the one or more input grills.”

Support for the foregoing amendments can be found, for example, in original claims 6, 8, 9, 14, 17 and 18, and on page 6, lines 23-25 of the specification. Additional support can be found, for example, on page 8, lines 12-13, page 20, lines 12-16, and page 20, line 26, to page 21, line 1. The claimed invention is not limited to the disclosed embodiments.

These are important features of the invention recited in claim 1, which is directed toward a booth for accommodating a person and for enabling a product to be projected onto the body of the person standing within the booth. An important feature of the claimed invention is the presence and positioning of the “first filter” and the “second filter.” The first filter is “positioned within the duct in a lower portion of the duct associated with the second plenum and the one or more foot grates.” An advantage of the claimed feature is that, in use, the filter is positioned to receive excess spray that does not adhere to the person being sprayed within the booth, as soon as the excess spray leaves the booth via the foot grate.

The second filter, on the other hand, is “associated with the one or more input grills,” which are “associated with the first plenum.” In use, the claimed feature advantageously serves as an additional filter, filtering any air that is re-circulated back into the booth, and also serves to filter air entering the booth for the first time through the air input grill.

The filtering means of the present invention, therefore, serves not only to filter air containing excess spray at least twice – once to remove wet particulate matter and once to remove dry particulate matter – but also serves to filter incoming air (re-circulated air or fresh air) before it re-enters the booth via the one or more input grills. In use, the filtering means recited in amended claim 1 has the benefit of filtering substantially all of the product projected onto a person standing in the booth, and not adhering to the skin of a person; such product is collected and absorbed into the claimed filtering means. Thus, it is not necessary to recycle any of the product that does not adhere onto the body of the person within the booth. An additional benefit is that it is not necessary to have any external connections to the booth for drainage purposes.

Parker fails to teach or suggest the limitations of amended claim 1. Initially, Applicants wish to point out that Parker corresponds to EP 1238642, which was cited during the International phase of the application. The Examiner of the International application acknowledged that the subject matter now claimed is both novel and inventive in view of EP 1238642.

Parker discloses a booth having an air filter means 90. Parker, however, fails to teach, suggest or render obvious the “first filter” and “second filter” arranged as recited in amended claim 1. For at least these reasons, amended claim 1 is allowable over Parker. Claims dependent from claim 1 incorporate all of the limitations of claim 1, and are allowable for the same reasons, and also

because the unique combinations recited by the dependent claims are neither taught nor suggested by Parker.


Independent method claim 41 has been amended to recite limitations similar to those discussed above with respect to claim 1, and is allowable over Parker for the same reasons claim 1 is allowable. Claims dependent from claim 41, including new claims 47-49, incorporate all of the limitations of claim 41 and are allowable for at least the same reasons.

Claim 1 stands provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending application serial no. 10/544,788. Reconsideration is respectfully requested because claim 1 has now been amended, as discussed above.

In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

By 

Mark J. Thronson

Registration No.: 33,082

Peter A. Veytsman

Registration No.: 45,920

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicant